

Index No.: \_\_\_\_\_/19

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

X

JOEL PACHECO,

*Plaintiff,*

-against -

DIOCESE OF BROOKLYN, ST. JOSEPH PATRON  
OF THE UNIVERSAL CHURCH, and  
SCALABRINIANS MISSIONARY,*Defendants.*

X

To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the Complaint in this action and to serve a copy of your answer or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York): and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,  
KINGS COUNTY ON 10/28/19 IN COMPLIANCE WITH CPLR §§305(a) AND  
306(a).**

Dated: New York, New York  
October 28, 2019

MERSON LAW, PLLC

By: \_\_\_\_\_



Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:

**DIOCESE OF BROOKLYN**

310 Prospect Park West  
Brooklyn, NY 11215

**ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH**

185 Suydam Street  
Brooklyn, NY 11221

**SCALABRINIANS MISSIONARY**

27 Carmine Street  
New York, NY 10014

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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JOEL PACHECO,

*Plaintiff,*

Index No.: \_\_\_\_\_/19

-against -

DIOCESE OF BROOKLYN, ST. JOSEPH PATRON  
OF THE UNIVERSAL CHURCH, and  
SCALABRINIANS MISSIONARY,

**VERIFIED  
COMPLAINT**

*Defendants.*

-----X

Plaintiff, above-named, complaining of the defendants, by **MERSON LAW, PLLC**, respectfully alleges:

**NATURE OF THE CLAIM**

1. This is a case of a sexual predator, Father Guido Caverzan (“Caverzan”), being permitted to sexually abuse young children at church, including plaintiff, by the Diocese of Brooklyn (“Diocese”), St. Joseph Patron of the Universal Church (“St. Joseph”) and/or Scalabrinians Missionary (“Scalabrinians”).
2. Caverzan was a priest at St. Joseph in Brooklyn, New York which was part of the Diocese and/or Scalabrinians. Caverzan was known among the community and the children as a sexual predator yet he was allowed unfettered access to children including on Diocese, St. Joseph, and Scalabrinians premises, without supervision.
3. Despite Caverzan’s reputation as a sexual predator to young children, he continued to be a priest under the supervision and control of the Diocese of Brooklyn, St. Joseph and/or Scalabrinians.
4. The Diocese, St. Joseph and/or Scalabrinians knew or should have known Caverzan sexually abused children and/or had the propensity to sexually abuse children, and in

1977, defendants did have knowledge that Caverzan sexually abused children and allowed it to continue.

5. In or about 1982 and continuing through approximately 1985, Caverzan, while acting under the scope of his employment with the Diocese, St. Joseph and Scalabrinians and on behalf of the Diocese, St. Joseph and Scalabrinians, sexually abused Plaintiff, then between fourteen and sixteen years old, by forcefully molesting plaintiff's penis and buttocks.
6. Plaintiff brings this lawsuit to recover for the emotional and physical suffering they incurred because of the negligence of the Diocese of Brooklyn, St. Joseph and Scalabrinians and to make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.

#### PARTIES

7. At all times herein mentioned defendant **DIOCESE OF BROOKLYN** a not-for-profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
8. At all times herein mentioned, defendant **DIOCESE OF BROOKLYN** was located at 310 Prospect Park West, Brooklyn, New York 11215.
9. At all times herein mentioned, Caverzan was a priest operating under the direction and control of defendant **DIOCESE OF BROOKLYN**, and its agents, servants and/or employees.
10. At all times herein mentioned, Caverzan was an agent, servant and/or employee of defendant **DIOCESE OF BROOKLYN**.

11. At all times herein mentioned defendant **ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH** a not-for-profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
12. At all times herein mentioned, defendant **ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH** was located at 185 Suydam St, Brooklyn, NY 11221.
13. At all times herein mentioned, Caverzan was a priest operating under the direction and control of defendant **ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH**, and its agents, servants and/or employees.
14. At all times herein mentioned, Caverzan was an agent, servant and/or employee of defendant **ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH**.
15. At all times herein mentioned defendant **SCALABRINIANS MISSIONARY** a not-for-profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
16. At all times herein mentioned, defendant **SCALABRINIANS MISSIONARY** was located at 27 Carmine St New York, NY 10014.
17. At all times herein mentioned, Caverzan was a priest operating under the direction and control of defendant **SCALABRINIANS MISSIONARY**, and its agents, servants and/or employees.
18. At all times herein mentioned, Caverzan was an agent, servant and/or employee of defendant **SCALABRINIANS MISSIONARY**.
19. At all times herein mentioned, Defendants **DIOCESE OF BROOKLYN, ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH and SCALABRINIANS MISSIONARY**, were agents, servants, employees and/or alter egos of each other.

20. At all times herein mentioned defendant **DIOCESE OF BROOKLYN** and/or **SCALABRINIANS MISSIONARY** operated and/or controlled defendant **ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH.**

**FACTS OF THE CASE**

21. Defendants **DIOCESE OF BROOKLYN, ST. JOSEPH PATRON OF THE UNIVERSAL and SCALABRINIANS MISSIONARY**'s negligence and recklessness caused Caverzan to have access to children, including plaintiff, on Diocese premises despite its knowledge that Caverzan sexually abused children and/or had the propensity to do so and therefore are responsible for the injuries that Plaintiff incurred because but for Defendants **DIOCESE OF BROOKLYN, ST. JOSEPH PATRON OF THE UNIVERSAL and SCALABRINIANS MISSIONARY**'s negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Caverzan. Defendants **DIOCESE OF BROOKLYN, ST. JOSEPH PATRON OF THE UNIVERSAL and SCALABRINIANS MISSIONARY**'s gross negligence, recklessness and wanton, and/or willful conduct warrants punitive liability.
22. Caverzan was the priest at St. Joseph in Brooklyn, New York.
23. Caverzan was a member of the religious order Scalabrinians Missionary.
24. Beginning in or about 1982 and continuing until approximately 1985, Caverzan would force plaintiff to come into his office at St. Joseph and forcefully molest his buttocks and penis.
25. Upon information and belief, Father Henry, another priest at St. Joseph, knew that plaintiff was being sexually abused by Caverzan.

26. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendants **DIOCESE OF BROOKLYN's, ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH's and SCALABRINIANS MISSIONARY's** negligence in undertaking a duty to keep patrons and young children of the parish, including plaintiff, safe from predators and failing to act in accord with that duty by allowing Caverzan, a known predator, to continue his role and position of authority where he would continue to have the opportunity to prey on young children, and the Diocese failed to adequately supervise Caverzan.

**AS AND FOR A FIRST CAUSE OF ACTION FOR  
NEGLIGENCE AS TO DIOCESE OF BROOKLYN**

27. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 26., inclusive, with the same force and effect as if hereinafter set forth at length.
28. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** owed a duty of care to keep the children of the parish, including plaintiff, safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff on Church's premises, and they had a duty to supervise Caverzan.
29. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
30. As a result of the negligence of defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries.

emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

31. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
32. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
33. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
34. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR  
NEGLIGENCE AS TO ST. JOSEPH PATRON OF THE UNIVERSAL CURCH**

35. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 34., inclusive, with the same force and effect as if hereinafter set forth at length.
36. At all times mentioned herein, defendant **ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH** owed a duty of care to keep the children of the parish, including plaintiff, safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff on Church's premises, and they had a duty to supervise Caverzan.
37. At all times mentioned herein, defendant **ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.

38. As a result of the negligence of defendant **ST. JOSEPH PATRON OF THE UNIVERSAL CHURCH** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
39. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
40. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
41. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
42. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION FOR  
NEGLIGENCE AS TO SCALABRINIANS MISSIONARY**

43. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 42., inclusive, with the same force and effect as if hereinafter set forth at length.
44. At all times mentioned herein, defendant **SCALABRINIANS MISSIONARY** owed a duty of care to keep the children of the parish, including plaintiff, safe from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff on Church's premises, and they had a duty to supervise Caverzan.

45. At all times mentioned herein, defendant **SCALABRINIANS MISSIONARY** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
46. As a result of the negligence of defendant **SCALABRINIANS MISSIONARY** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
47. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
48. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
49. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
50. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT  
HIRING, RETENTION AND SUPERVISION AS TO DIOCESE OF BROOKLYN**

51. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 50., inclusive, with the same force and effect as if hereinafter set forth at length.
52. Defendant **DIOCESE OF BROOKLYN**, had a duty to supervise and prevent known risks of harm to children and patrons of the parish, including plaintiff, by its clergymen.
53. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Caverzan, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and

church officials who should have properly been supervising the priests to ensure the safety of the children of the parish.

54. Defendant **DIOCESE OF BROOKLYN** knew or should have known Father Caverzan sexually abused and/or had the propensity to sexually abuse children, including plaintiff, and did nothing to stop it.
55. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
56. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
57. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
58. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
59. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FIFTH CAUSE OF ACTION FOR**  
**NEGLIGENT HIRING, RETENTION AND SUPERVISION**  
**AS TO ST. JOSEPH PATRON OF THE UNIVERSAL**

60. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 59., inclusive, with the same force and effect as if hereinafter set forth at length.

61. Defendant **ST. JOSEPH PATRON OF THE UNIVERSAL**, had a duty to supervise and prevent known risks of harm to children and patrons of the parish, including plaintiff, by its clergymen.
62. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Caverzan, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parish.
63. Defendant **ST. JOSEPH PATRON OF THE UNIVERSAL** knew or should have known Father Caverzan sexually abused and/or had the propensity to sexually abuse children, including plaintiff, and did nothing to stop it.
64. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
65. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
66. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
67. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
68. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SIXTH CAUSE OF ACTION FOR NEGLIGENT  
HIRING, RETENTION AND SUPERVISION AS TO SCALABRINIANS MISSIONARY**

69. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 68., inclusive, with the same force and effect as if hereinafter set forth at length.
70. Defendant **SCALABRINIANS MISSIONARY**, had a duty to supervise and prevent known risks of harm to children and patrons of the parish, including plaintiff, by its clergymen.
71. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father Caverzan, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parish.
72. Defendant **SCALABRINIANS MISSIONARY** knew or should have known Father Caverzan sexually abused and/or had the propensity to sexually abuse children, including plaintiff, and did nothing to stop it.
73. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
74. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
75. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

76. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
77. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SEVENTH CAUSE OF ACTION FOR NEGLIGENT  
INFILCTION OF EMOTIONAL DISTRESS AS TO DIOCESE OF BROOKLYN**

78. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 77., inclusive, with the same force and effect as if herein set forth at length.
79. Defendant **DIOCESE OF BROOKLYN** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father Caverzan, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
80. Defendant **DIOCESE OF BROOKLYN** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
81. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Caverzan.
82. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Caverzan sexually abusing Plaintiff.
83. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
84. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR AN EIGHTH CAUSE OF ACTION FOR NEGLIGENT INFILCTION  
OF EMOTIONAL DISTRESS AS TO ST. JOSEPH PATRON OF THE UNIVERSAL**

85. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 84., inclusive, with the same force and effect as if herein set forth at length.
86. Defendant **ST. JOSEPH PATRON OF THE UNIVERSAL** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father Caverzan, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
87. Defendant **ST. JOSEPH PATRON OF THE UNIVERSAL** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
88. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Caverzan.
89. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Caverzan sexually abusing Plaintiff.
90. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
91. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A NINTH CAUSE OF ACTION FOR NEGLIGENT  
INFILCTION OF EMOTIONAL DISTRESS AS TO SCALABRINIANS MISSIONARY**

92. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 91., inclusive, with the same force and effect as if herein set forth at length.
93. Defendant **SCALABRINIANS MISSIONARY** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father Caverzan, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
94. Defendant **SCALABRINIANS MISSIONARY** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
95. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father Caverzan.
96. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father Caverzan sexually abusing Plaintiff.
97. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
98. This action falls within exceptions to Article 16 of the C.P.L.R.

**WHEREFORE**, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
October 28, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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JOEL PACHECO,

*Plaintiff,*

Index No.: \_\_\_\_\_/19

-against -

DIOCESE OF BROOKLYN, ST. JOSEPH PATRON  
OF THE UNIVERSAL CHURCH, and  
SCALABRINIANS MISSIONARY,

**ATTORNEY  
VERIFICATION**

*Defendants.*

-----X

JORDAN K. MERSON, ESQ., an attorney duly admitted to practice in the Courts of New York State, and a member of the firm **MERSON LAW, PLLC**, attorneys for the plaintiff in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true;

That the sources of his information and knowledge are investigations and records in the file; and,

That the reason this verification is made by affiant and not by the plaintiff is that the Plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
October 28, 2019



JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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JOEL PACHECO,

*Plaintiff,*

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DIOCESE OF BROOKLYN, ST. JOSEPH PATRON OF THE  
UNIVERSAL CHURCH, and SCALABRINIANS MISSIONARY,

*Defendants.*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC

*Attorneys for Plaintiff*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup>  
Fl.  
New York, New York  
10155  
(212) 603-9100

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To: All Parties

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